

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-50778



A True Copy
Certified order issued Jan 23, 2018

Style W. Cuyca
Clerk, U.S. Court of Appeals, Fifth Circuit

LOUIS ROUSSET,

Plaintiff - Appellant

v.

HARTFORD LIFE & ACCIDENT INSURANCE COMPANY; TARGET
CORPORATION, Health Resources; UNITED STATES GOVERNMENT,

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Texas

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment. In this E. R. I. S. A. case, the district court entered final judgment dismissing the complaint on June 21, 2016. Thereafter, plaintiff filed multiple post-dismissal motions for relief which were denied July 7, 2016. On August 31, 2016, plaintiff filed a motion to set aside the dismissal which was denied September 12, 2016. Therefore, the final day for filing a timely

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notice of appeal was October 12, 2016. The plaintiff's notice of appeal was filed on September 8, 2017. When set by statute, the time limit for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *Robbins v. Maggio*, 750 F.2d 405, 408 (5th Cir. 1985).

IT IS SO ORDERED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

January 23, 2018

Ms. Jeannette Clack
Western District of Texas, Austin
United States District Court
501 W. 5th Street
Austin, TX 78701-0000

No. 17-50778 Louis Rousset v. Hartford Life & Acidnt Ins
Co., et al
USDC No. 1:16-CV-611

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Melissa B. Courseault, Deputy Clerk
504-310-7701

cc w/encl:
Ms. Marjorie Leigh Cohen
Mr. Louis Rousset